

All communications concerning these proceedings should be identified by Docket Number FRA-2008-0079 and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Issued in Washington, DC on July 23, 2008.

**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Informational Filing

In accordance with Section 236.913 of Title 49 of the Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received an informational filing from the Marquette Rail, LLC to permit field testing of the TrackAccess System. The informational filing is described below, including the requisite docket number where the informational filing and any related

information may be found. The document is also available for public inspection; however, FRA is not accepting public comments.

#### Marquette Rail, LLC

[Waiver Petition Docket Number FRA-2008-0081]

The Marquette Rail, LLC has submitted an informational filing to permit field testing of the software-based dispatch system for low density lines identified as TrackAccess System. The informational filing addresses the requirements under 49 CFR 236.913(j)(1). Specifically, the informational filing contains a description of the TrackAccess product and an operational concept document, pursuant to 49 CFR 36.913(j)(1).

TrackAccess is an electronic track occupancy system similar to the conventional block register. It is designed to protect the area of exclusive track occupancy given to roadway workers or train crew members by excluding the possibility of electronic issuance of the conflicting track occupancy authorities. TrackAccess aims to reduce the potential for human errors associated with issuance of track occupancy authorities to roadway workers and train crews by the dispatcher. In its autonomous mode of operation, the TrackAccess System assumes electronic delivery of track occupancy authorities to roadway workers and train crews.

The Marquette Rail, LLC desires to commence factory testing of the product on or about August 15, 2008, and conduct a field testing as soon as practicable, thereafter, contingent upon FRA's acceptance and approval of their informational filing. The Marquette Rail, LLC intends to test TrackAccess Systems on it railroad in Michigan.

Interested parties are invited to review the informational filing and associated documents at DOT's Docket Management facility during regular business hours (9 a.m.-5 p.m.) at 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590. All documents in the public docket are available for inspection and copying on the Internet at <http://www.regulations.gov>.

Anyone is able to search the electronic form of any written communications received into any of our dockets by name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000

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**Grady C. Cothen, Jr.,**

*Deputy Associate Administrator for Safety Standards and Program Development.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

#### City of Menasha, Wisconsin

[Waiver Petition Docket Number FRA-2008-0082]

The City of Menasha, Wisconsin (City), seeks a permanent waiver of compliance on certain provisions of the Use of Locomotive Horns at Highway-Rail Grade Crossings, 49 CFR Part 222. The City intends to establish Pre-Rule Quiet Zones that it had previously continued under the provisions of 49 CFR Part 222.41(c)(1). The City is seeking a waiver to extend: (1) The mailing date for a Notice of Intent as provided in 49 CFR Part 222.41(c)(2)(i)(a) which states that the Notice of Intent must be mailed by February 24, 2008 and (2) the filing date for a Detailed Plan as provided in 49 CFR Part 222.41(c)(2)(i)(b) which states that the Detailed Plan must be filed with FRA by June 24, 2008. The waiver petition requests that the City be allowed an unspecified amount of additional time to submit its Notice of Intent and Detailed Plan due to confusion regarding its five existing pre-rule quiet zones which the City is trying to consolidate into two quiet zones.

The City states that when it started to review the requirements for continuation of its Pre-Rule Quiet Zones, it discovered that the descriptions and locations of the five quiet zones were somewhat confusing. For example, there was a single crossing quiet zone on a mainline that was between two other crossings identified in a separate quiet zone. Two other quiet zones included crossings that were